

H. J. R. NO. 37

By Price

A JOINT RESOLUTION

Proposing an Amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and ~~State-supported~~ entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article IX of the Constitution of the State of Texas, be amended by adding a new Section ¹³~~12~~ thereto to read as follows:

"Section ¹³~~12~~. Notwithstanding any other ~~Section~~ of this Article, the Legislature in providing for the creation, establishment, maintenance, and operation of a hospital district, shall not be required to provide that such district shall assume full responsibility for the establishment, maintenance, support, or operation of mental health services or mental retardation services including the operation of any community mental health centers, community mental retardation centers or community mental health and mental retardation centers which may exist or be thereafter established within the boundaries of such district, nor shall the Legislature be required to provide that such district shall assume full responsibility of public health department units and clinics and related public health activities or services, and the Legislature shall not be required to restrict the power of any municipality or political subdivision to levy taxes or issue bonds or other obligations or to expend public ^{money}~~monies~~ for the establishment, maintenance, support, or operation of mental health services, mental retardation services, public health units or clinics or related public health activities or services or the operation of such community mental health or mental retardation centers within the boundaries of the hospital districts; and unless a statute creating

a hospital district shall expressly prohibit participation by any entity other than the hospital district in the establishment, maintenance, or support of mental health services, mental retardation services, public health units or clinics or related public health activities within or partly within the boundaries of any hospital district, any municipality or any other political subdivision or state-supported entity within the hospital district may participate in the establishment, maintenance, and support of mental health services, mental retardation services, public health units and clinics and related public health activities and may levy taxes, issue bonds or other obligations, and expend public ~~monies~~ ^{money} for such purposes as provided by law."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on ~~the first Tuesday after the first Monday of November~~ ^{the first Tuesday after the first Monday of November, 1967} at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."

"AGAINST the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and the laws of this State. ^{Such publication of this Amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.}

FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date 3-14-67

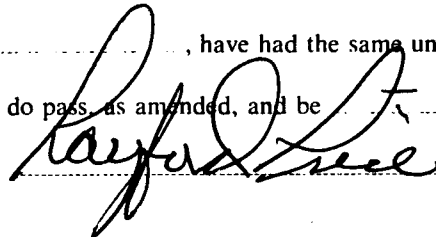
HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was referred HJR No. ~~37~~ 37, have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be it printed.



Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.)

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

BILL ANALYSIS(1) Background information:

The Attorney General in Opinion No. C-646 held that because the Constitution of Texas does not permit other political subdivisions within the boundary of a hospital district to levy taxes for medical and hospital services, cities, counties and other political subdivisions within a hospital district could not participate in the establishment of a community center and that in such event the local authority to establish such community center was the hospital district. H.J.R. 37 would correct this by providing in the Constitution that the Legislature could authorize the creation of a hospital district and at the same time not restrict other political subdivisions within the hospital district from levying taxes to provide mental health and mental retardation services through community centers. As to hospital districts already in existence, it would authorize political subdivisions within such hospital districts to levy taxes for these purposes unless the statute authorizing the hospital district expressly prohibits them from doing so for such purposes. These restrictions contained in the present Constitution (Section 9, Article IX) also apply to local public health activities sponsored by the State Health Department; hence, these activities are also covered in H.J.R. No. 37.

(2) What the bill proposes to do:

Amends Article IX, Constitution, by adding a new Section 12, to permit municipalities, or other political subdivisions, and State supported entities located within hospital districts to participate in establishment, maintenance, support or operation of mental health services or mental retardation services, or public health services.

(3) Section by section analysis:

Section 1. When a hospital district is created, that district shall not be required to assume full responsibility for the maintenance and upkeep of mental health services and public health services; and unless prohibited in the statute creating the district, any municipality, political subdivision, or state supported entity within the district may take part in the creation and upkeep of mental and public health services within the said district.

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on _____.

Section 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and the laws of this State.

Committee Amendment No. 1: Amend Section 2, H.J.R. 37, by striking the underscore, and placing in lieu thereof the following: "The first Tuesday after the first Monday in November, 1967."

Committee Amendment No. 2: Amend Section 3, H.J.R. 37, by adding the following sentence: "Such publication of this Amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only."

(4) Summary of Committee Hearing:

Representative Price explained H.J.R. 37, and Mr. E. M. Scott, Legal Counselor for the Mental Health and Mental Retardation Department, spoke in favor of H.J.R. 37. There was no opposition to speak against the bill. The bill was sent to subcommittee. The Committee unanimously accepted two subcommittee amendments, and unanimously voted that H.J.R. 37 be reported back to the House with the recommendation that it do pass as amended and be printed.

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COMMITTEE AMENDMENT
NO. 1

Amendment # 1

By James

Amend H.J.R. 37 by striking the "Underscore" on page 1 line 45 of the printed bill and placing in lieu thereof the following:

"The first Tuesday after the first Monday in November, 1967"

MAR 21 1967

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

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COMMITTEE AMENDMENT

NO. 2

Amendment # 2

By James

Amend H.J.R. 37 by adding a new sentence at the end of Section 3 of the printed resolution as follows:

"Such publication of this Amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only."

MAR 21 1967

DATE _____

READ AND ADOPTED

Dorothy Hallman

CLERK
HOUSE OF REPRESENTATIVES

WKC
J.M.

3

... Price

by Price

~~House Committee Amendment~~
~~to H. J. R. No. 37~~

~~Amendment No. 1~~

Amend H. J. R. No. 37 by Price by deleting the number "12"
wherever it appears in H. J. R. No. 37 and substituting in lieu thereof
the number "13".

MAR 21 1967

DATE _____

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

gHC

gHC

By: Price

H.J.R. No. 37

HOUSE JOINT RESOLUTION

proposing an amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article IX of the Constitution of the State of Texas be amended by adding a new Section 13 thereto to read as follows:

"Section 13. Notwithstanding any other section of this article, the Legislature in providing for the creation, establishment, maintenance, and operation of a hospital district, shall not be required to provide that such district shall assume full responsibility for the establishment, maintenance, support, or operation of mental health services or mental retardation services including the operation of any community mental health centers, community mental retardation centers or community mental health and mental retardation centers which may exist or be thereafter established within the boundaries of such district, nor shall the Legislature be required to provide that such district shall assume full responsibility of public health department units and clinics and related public health activities or services, and the Legislature shall not be required to restrict the power of any municipality or

political subdivision to levy taxes or issue bonds or other obligations or to expend public moneys for the establishment, maintenance, support, or operation of mental health services, mental retardation services, public health units or clinics or related public health activites or services or the operation of such community mental health or mental retardation centers within the boundaries of the hospital districts; and unless a statute creating a hospital district shall expressly prohibit participation by any entity other than the hospital district in the establishment, maintenance, or support of mental health services, mental retardation services, public health units or clinics or related public health activities within or partly within the boundaries of any hospital district, any municipality or any other political subdivision or state-supported entity within the hospital district may participate in the establishment, maintenance, and support of mental health services, mental retardation services, public health units and clinics and related public health activities and may levy taxes, issue bonds or other obligations, and expend public moneys for such purposes as provided by law."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on ~~the first Tuesday after the first Monday in November~~, 1967, at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located

H.J.R. No. 37

within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."_____

"AGAINST the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."_____

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and the laws of this state. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only. _____

Austin, Texas

April 13, 1967

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS,
to which was referred HJR ~~Ex~~ No. 37, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Moore
Chairman MOORE

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HOUSE JOINT RESOLUTION

proposing an amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

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Section 1. That Article IX of the Constitution of the State of Texas be amended by adding a new Section 13 thereto to read as follows:

Section 13. Notwithstanding any other section of this article, the Legislature in providing for the creation, establishment, maintenance, and operation of a hospital district, shall not be required to provide that such district shall assume full responsibility for the establishment, maintenance, support, or operation of mental health services or mental retardation services including the operation of any community mental health centers, community mental retardation centers or community mental health and mental retardation centers which may exist or be thereafter established within the boundaries of such district, nor shall the Legislature be required to provide that such district shall assume full responsibility of public health department units and clinics and related public health activities or services, and the Legislature shall not be required to restrict the power of any municipality or

political subdivision to levy taxes or issue bonds or other obligations or to expend public moneys for the establishment, maintenance, support, or operation of mental health services, mental retardation services, public health units or clinics or related public health activities or services or the operation of such community mental health or mental retardation centers within the boundaries of the hospital districts; and unless a statute creating a hospital district shall expressly prohibit participation by any entity other than the hospital district in the establishment, maintenance, or support of mental health services, mental retardation services, public health units or clinics or related public health activities within or partly within the boundaries of any hospital district, any municipality or any other political subdivision or state-supported entity within the hospital district may participate in the establishment, maintenance, and support of mental health services, mental retardation services, public health units and clinics and related public health activities and may levy taxes, issue bonds or other obligations, and expend public moneys for such purposes as provided by law.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 11, 1967, at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment,

H.J.R. No. 37

maintenance, support, or operation of mental health services, mental retardation services, or public health services."

"AGAINST the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election, and this amendment shall be published in the manner and for the length of time as required by the Constitution and the laws of this state. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.J.R. No. 37 was adopted by the House on March 21, 1967, by the following vote: Yeas 147, Nays 0; and that the House adopted H.C.S. No. 144 authorizing certain corrections in H.J.R. No. 37 on May 22, 1967.

Chief Clerk of the House

H.J.R. No. 37

I hereby certify that H.J.R. No. 37 was passed by the Senate on May 4, 1967, by the following vote: Yeas 28, Nays 0; and that the Senate adopted H.C.R. No. 144 authorizing certain corrections in H.J.R. No. 37 on May 23, 1967.

Secretary of the Senate

APPROVED:

6/18/67

Date

John Connally

Governor

SECRETARY OF STATE
1:05 PM O'CLOCK

JUN 16 1967
John L. Hies
Secretary of State

H.J.R. NO. 37 By Price

A JOINT RESOLUTION

Proposing an Amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and State supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

FILED FEB 13 1967

FEB 14 1967

READ 1ST TIME

AND REFERRED TO COMMITTEE ON

Constitutional Amendments

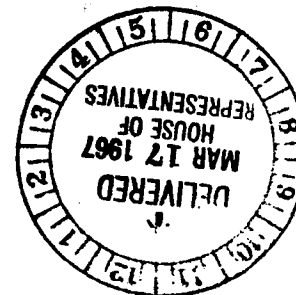
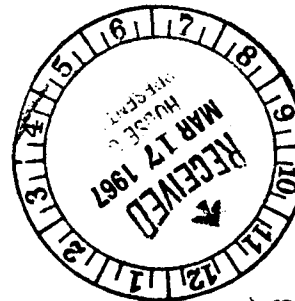
MAR 16 1967 REPORTED FAVORABLY AS AMENDED

SENT TO PRINTER

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 11:15 A.M. MAR 17 1967
(Time) (Date)



MAR 21 1967

READ SECOND

TIME Amended AND

ORDERED ENGROSSED

and finally adopted, by vote of 147 ayes, 0 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 21 1967

MOTION TO RECONSIDER THE VOTE BY WHICH HJR. # 37 WAS ADOPTED / PASS AND TO TABLE THE MOTION TO RECONSIDER PREVAILED NO BY A Non-Record VOTE

Dorothy Hallman
CHIEF CLERK, HOUSE OF REPRESENTATIVES

MAR 21 1967

SENT TO ENGROSSING CLERK

By: Price

H.J.R. No. 37
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HOUSE JOINT RESOLUTION

proposing an amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

2-13-67 Filed. _____

2-14-67 Read first time and referred to Committee on Constitutional Amendments. _____

3-16-67 Reported favorably as amended, sent to printer. _____

3-17-67 Printed, distributed and referred to Committee on Rules at 11:15 a.m. _____

3-21-67 Read second time, amended, ordered engrossed and finally adopted by the following vote: Yeas 147, Nays 0. _____

Dorothy Hallman
Chief Clerk, H. of R.

3-21-67 Sent to Engrossing Clerk. _____

3-21-67 Engrossed. _____

Orla Suffin
Engrossing Clerk, H. of R.

MAR 22 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAR 22 1967

IN THE SENATE
Received from the House

APR 11 1967 Read first time
and referred to Committee
on Constitutional Amendments

APR 13 1967 Reported Favorably.

MAY 4 1967
Laid out,
READ SECOND TIME, _____
AND PASSED TO THIRD READING.

MAY 5 1967 SENT TO ENROLLING CLERK

MAY 4 1967

Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 27 yeas,
0 nays, to place bill on third
reading and final passage.

MAY 4 1967

READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 28 Nays 0

Charles Schnabel
Secretary of the Senate

MAY 5 1967 SENT TO HOUSE

MAY 5 1967

RETURNED FROM SENATE

Dorothy Hallman
Chief Clerk, House of Representative